

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WARNER BROS. RECORDS INC.,

No. C07-04842 MJJ

Plaintiff,

**ORDER GRANTING PLAINTIFFS' *EX*  
*PARTE* APPLICATION FOR LEAVE TO  
TAKE IMMEDIATE DISCOVERY**

v.

JOHN DOE #2,

Defendant.

Before the Court is Plaintiffs' *ex parte* Motion For Leave To Take Immediate Discovery. (Docket No. 3.) Upon consideration of the Motion and the supporting papers, and good cause appearing therefor, the Court **GRANTS** the Motion as follows:

The Court **ORDERS** that Plaintiffs may serve immediate discovery on San Francisco State University to obtain the identity of the John Doe #2 defendant by serving a Rule 45 subpoena that seeks information sufficient to identify the John Doe #2 defendant, including the defendant's name, address, telephone number, e-mail address, and Media Access Control address. The subpoena shall be narrowly tailored to seek only such identifying information, and shall not seek other discovery directed at the merits of the case.

The Court **FURTHER ORDERS** that any information disclosed to Plaintiffs in response to the Rule 45 subpoena shall be used by Plaintiffs solely for the purpose of protecting Plaintiffs' rights under the Copyright Act as set forth in the Complaint.

The Court **FURTHER ORDERS** that, if and when San Francisco State University is served with


1 a subpoena, within five (5) business days thereof it shall give written notice, which can include use of  
2 e-mail, to the subscriber whose identity is requested in the subpoena. If San Francisco State University  
3 and/or the John Doe #2 defendant wish to move to quash the subpoena, they shall do so before the return  
4 date of the subpoena, which shall be at least twenty-five (25) business days from the date of service.

5 The Court **FURTHER ORDERS** that, if and when San Francisco State University is served with  
6 a subpoena, San Francisco State University shall preserve the data and information sought in the  
7 subpoena pending resolution of any timely filed motion to quash.

8 The Court **FURTHER ORDERS** that counsel for Plaintiffs shall provide a copy of this Order  
9 to San Francisco State University when the subpoena is served.

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11 **IT IS SO ORDERED.**

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14 Dated: December 21, 2007

  
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MARTIN J. JENKINS  
UNITED STATES DISTRICT JUDGE